

Racial representation provisions struck down by court



Two years ago

In 1975, UNC received statewide publicity when the noisemaking efforts of a group of about 100 persons, most of them black, prevented a speech by David Duke, the national information director of the Ku Klux Klan. An organizer of the group, Algenon Marbley, was tried and acquitted by a predominantly black student jury. A federal court last week struck down the campus provision requiring such a jury.



Court ok's BSM funding; CGC, jury process affected

by Elliott Potter
Staff Writer

A federal court has struck down two UNC Student Constitution provisions which set specific racial requirements for representation on the Campus Governing Council (CGC) and the Honor Court. In the Jan. 5 ruling, the court also upheld a decision which sanctioned funding of the BSM with mandatory student fees.

One of the provisions struck down by the 4th Circuit U.S. Court of Appeals guaranteed that at least two students of a minority race, two males and two females would be members of the CGC. When such representation was not achieved through annual elections, the provision stated, "The President of the student body shall make the number of appointments necessary to insure compliance with this section."

The other provision was a section of the Instrument of Student Judicial Governance that gave minority students the right to request a minority jury.

The ruling stated that the practices of insuring minority representation in the CGC and providing minority juries are in conflict with the Fourteenth Amendment, the Civil Rights Act of 1871 and the Civil Rights Act of 1964.

"They (the provisions) cause the plaintiffs to suffer disadvantages at the University because they are not of the favored race," the ruling said.

The court held that an institution that receives federal financial assistance cannot be allowed to practice such discrimination.

Student Body President Billy Richardson said Wednesday he agrees that CGC representation should be determined solely by the ballot box, but he added he was worried about how the ruling might affect the student courts.

He said that sometimes a person can make a fair judgment of another person only if he shares that person's basic beliefs. "Understanding intent is very important in judging one's peers," he added.

"The trial of Algenon Marbley is a perfect example of why I feel minority representation is important," he said. "In that case, intent was clearly the issue to be decided."

Marbley was tried before Undergraduate Court in February 1975 on charges of disrupting the speech of Ku Klux Klansman David Duke. He was acquitted by a jury of four blacks and three whites.

The part of the decision concerning the funding of the BSM stemmed from that organization's former membership policies.

When the suit was filed in 1974, the plaintiffs described the BSM as an organization closed to non-black membership. But the BSM constitution was amended in September 1974 to extend membership privileges to any student whose views are consistent with the goals of the BSM, and the court decided that there is not longer a violation of constitutional rights.

Two former UNC students, Lawrence A. Uzell and Robert L. Arrington, were listed as plaintiffs in the case. Among those listed as defendants were William

C. Friday, president of the UNC system; N. Ferebee Taylor, chancellor; Marcus Williams, former president of the student body; Algenon Marbley, former chairperson of the BSM; the UNC Board of Trustees and the UNC Board of Governors.

Susan Eringhaus, assistant to the chancellor, said Thursday she did not feel free to comment on the ruling since the University is still in the process of deciding whether to appeal its case. She said that decision will be made after input has been received from the state attorney general's staff, University officials and student leaders. A meeting of concerned parties has been scheduled for Jan. 20.

Fans miss home B-ball

by Leslie Scism
Staff Writer

UNC students may have enjoyed the extra week for Christmas break this year, but it caused them to miss some Tar Heel basketball.

While students were away from Chapel Hill, teams from Brigham Young and Virginia visited the Tar Heels at Carmichael Auditorium, and Clemson met UNC in a home conference game at Greensboro Coliseum.

It was the first time in years that two home games have been played during Christmas break, and the first time since 1972 that a home conference game has

been played away from Carmichael Auditorium. The culprits in both cases are the longer break and the new 32-team format for the NCAA tournament which moves the entire ACC schedule up one week.

"We didn't plan it that way, it just happened," UNC Head Basketball Coach Dean Smith said Thursday. According to Smith, ACC games are played the same relative date each year—Clemson the first week in January and Virginia the second.

"The students just weren't in school," Smith said.

According to Bill Cobey, UNC athletic director, moving the ACC tournament forward a week pressed more basketball games into a shorter length of time. "Scheduling is a rather difficult thing to do, with so many games to play," he said.

"We don't like to have the team play when the students aren't here, but it's hard to avoid," Cobey said.

Student attendance was down at the game, Ticket Manager Jean Keller said. Approximately 400 of the 3,600 student tickets available for both the Brigham Young and Virginia games were not picked up.

Cobey said that traditionally a conference game like Virginia is a sellout and that the extended break could have been responsible for the leftover tickets. "I think the students would have taken them all had they been here," he said. "Our experience in the past has shown us that."

Cobey said the Clemson game was played in Greensboro for three reasons: students were not in Chapel Hill, it was financially beneficial and more people could attend.

"We'd like to think UNC is our team only, but in a certain sense it's a state team, too," Cobey said. "There are thousands upon thousands of avid Carolina fans who can never get to see the Tar Heels play in Carmichael."

Carmichael's capacity is 10,000 persons, and Greensboro's is 15,000.

Cobey said that even though the Clemson game was played in Greensboro, nine games will still be played in Chapel Hill, which is the usual number scheduled by the Athletic Department.

Cobey said next year's schedule would involve only one game in Carmichael during Christmas break because the Clemson and Virginia games will be away games.

UNC chessmen win money, fame in prestigious national tournament

by Jaci Hughes
Staff Writer

Basketball is not the only sport in which the Tar Heels are nationally ranked. The UNC chess team, under the leadership of Arthur Menius, maneuvered its way to 12th place in the country in a tournament during the semester break.

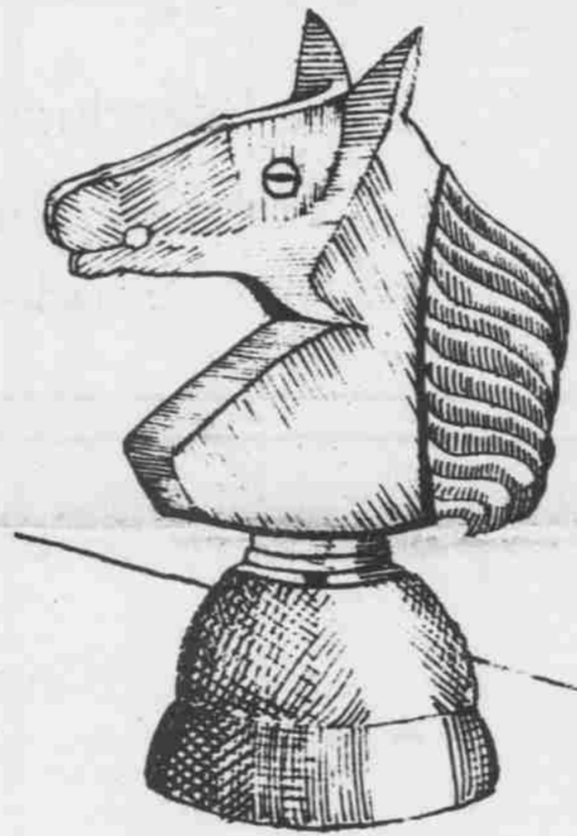
The competition, held in New York, brought the team five wins, two losses, one draw and a \$125 cash award. According to Menius, to prepare for a big tournament, players "study the games and strategies of the masters. You have to decide what openings (opening moves) you're going to use."

Menius said that in such a big tournament, which included teams from as far away as Los Angeles, the players rarely know their opponents in advance. "You don't know whether you're going to play a wild, attacking game or a closed, slow one," he said.

The members of the first-string or-A team are Greg Samsa, Arthur Menius, Rhodes Peele and Robert Semtress. The B team members are William Gordy, Bill O'Brian, Randy Ross and Joe Dupree.

Games are limited to 45 moves per player, and can last up to four hours.

According to Menius, the UNC chess team was formed in the late '60s and has been participating in national competition for four years.



Heels garner big win over Wake, 77-75

WINSTON-SALEM—With five seconds remaining, UNC's Tom Zaliagiris lunged in front of Wake Forest forward Jerry Schellenberg, causing Schellenberg to lose control of the ball. Zaliagiris grabbed the loose ball and threw it downcourt to teammate Phil Ford, insuring a 77-75 Tar Heel victory Thursday night in Memorial Coliseum.

The Tar Heels fought back late in the game to overtake a Deacon six-point lead. With 5:15 left, UNC's John Kuester hit an 18-footer to give his team a 72-71 advantage. With the score 74-73 and 3:53 remaining, the Heels went into their Four-Corners offense to pull out the win.

Center Tommy LaGarde of UNC led all scorers with 22 points. Ford added 20. Freshman Mike O'Koren hauled down 14 rebounds, including several important ones in the final five minutes.

Carolina, fifth-ranked and now 11-1, upped its Atlantic Coast Conference record to 3-0. Wake, no. seven in the country, is now 11-2 overall and 2-1 in league play.

The Tar Heels could hit on only 43 per cent of their field goal attempts in the opening half, compared to Wake's 46 per cent. The two teams swapped percentages in the second half. Skip Brown scored 18 points, Jerry Schellenberg had 17 and Larry Harrison was credited with 10 rebounds.

"I was proud of the way our team came back in the second half," UNC Head Coach Dean Smith said after the game.

—Grant Vosburgh

Salaries, services Condie defense for rise in dorm rents

by Mary Gardner
Staff Writer

With inflation running rampant everywhere, one might expect a hefty increase in dorm room rents over the years—but 70 per cent?

It's true. Since the fall of 1971, the rent for an average double-occupancy room for men has risen from \$312 to \$530 per year, or approximately 70 per cent.

Director of University Housing James D. Condie says the phenomenal increase is mostly due to yearly objectives of the housing department, salary and payroll increases for approximately 160 full-time employees and increasing costs of services.

"We have to balance the rent structure with the costs of running the housing

department," Condie said.

According to Condie, the objectives of the housing department are not always compatible with low rents for rooms. "Low rents cannot pay to keep the wind from blowing through the buildings."

Before Condie became director in the summer of 1973, the room rents stayed comparatively low because no renovations were done on the residence halls and many buildings badly needed painting, Condie said.

Since Condie's arrival, nine roofs have been repaired, and seven more will be repaired in the near future. Also vents have been put in bathrooms. Kitchens, social rooms and study rooms have been added in each residence hall, according to Condie.

"Every building now has at least one kitchen, and every building or every hall in

the larger residence halls has a social room and a study room. Without these things all you provide is a place where people sleep instead of a place where people actually live; we try to provide most everything you had in your home," Condie said.

Another reason for rising room rents is the adjustment in salaries for housing employees, according to Condie. Salary increases must adjust to the cost of living and annual and merit increments.

Starting in January 1977, UNC will pay the cost of sewage treatment, police service and fire department service provided by the city of Chapel Hill, Condie said. "All these services are paid for and provided by room rent money."

Student Government housing representative Dave Gantt gave the waiver-card problem as a reason for the rising room

rents. "We're losing money through waiver cards in the cases of cancellations and no-shows."

According to Gantt, 1,273 housing waiver cards were given out this year. Of these, 136 were cancelled and 53 simply did not show up.

Maintenance work makes up a sizable portion of room rent increases, Gantt said. "There is a lot of maintenance work, especially in trying to keep the older buildings going. You may not see the work, but it has to be done. The older dorms still have a long way to go."

In the long run, the housing department does not go in the red. "We can't afford to lose money; we're in the black," Condie said. "I think we're getting our money's worth, all in all," Gantt said.

Wet December fills lake Water shortage finally ends

by Tom Watkins
Staff Writer

Now that the worst water shortage in Chapel Hill history is over (effective Dec. 12), town officials are worrying about how to prevent future shortages.

There will apparently be ample time to mull the possibilities, as wet December weather lifted University Lake to its highest level in several months.

"Our report this morning put the lake level at two inches above the dam—we're filled up and wasting water," Claiborne S. Jones, UNC vice chancellor for business and finance, said Wednesday.

Jones said it was impossible for him to speculate as to whether the town will experience another shortage next summer.

"We've had plenty of rain this year—our problem has been that it has not been distributed evenly throughout the year," he explained. "Going by the law of averages, we won't have the kind of drought every year that we had this year, but then who knows?"

The water utility, which has been owned by the University since the beginning of the town, is in the process of being sold to the Orange Water and Sewer Authority (OWASA). The transaction was to have taken place on Dec. 31 but has been delayed by the authority's sale of bonds to finance the purchase, estimated at \$1.6 million. Feb. 15 is the new target

date for the sale.

In the meantime, OWASA officials are already looking into how to ward off future shortages.

"We're moving ahead on our plans for a new reservoir at Cane Creek," Paul Morris, OWASA chairperson, said. "We're surveying and identifying property in that area, and our engineers have told us that the reservoir could be completed within two years after the property is purchased."

"We can't let ourselves delay any longer—it has been delayed for eight years now. Our only safety valve at present is the purchase of water from Durham."

Juring the recent water crisis, an average of approximately two million gallons of water per day was purchased from Durham from midsummer until Dec. 17.

"We'll certainly be willing to help Chapel Hill all that we can in the event of future shortages," Tom Bruce, director of Durham's Division of Water Resources, said.

"But it depends on the situation. Our supply is also limited and our new water treatment plant won't be ready for two years. We haven't had any problems in cooperating with the University in the past, and I don't think our relationship with OWASA will be any different."

Bruce added that the level of Lake Michie (Durham's water supply) is now one foot above the dam.

Jones said he had written a letter to Durham Mayor Wade Cavin expressing gratitude for Durham's assistance during the water crisis.



Staff photo by Charles Hardy



Staff photo by Bruce Clarke

Boats docked again

When the picture on the left was taken in September, Chapel Hill was in the throes of a water shortage. Now the mud flats are gone and skippers can tie their boats up to the University Lake docks once again.